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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL No. 464 OF 2006

Office Ntes, Office Memoranda of Coram, appeaances, Court's orders or directions and Registrar's orders	:	Court's or Judge's order

Mr. P. N. Joshi, advocate for the appellants.

Mr. Shriram S. Kulkarni, advocate for the respondent.

CORAM : S. J. VAZIFDAR, J.

DATE : AUGUST 28, 2007.

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. The appellant/plaintiff had sought an injunction restraining the respondent from demolishing a gate, the compound wall and a water tank. According to the plaintiff, and as per the affidavit filed in this Second Appeal, after the impugned order, an understanding was arrived at between the parties to the effect that if the plaintiff

demolished/removed the gate and the compound wall, the respondent would consider the appellant's application for regularising the water tank.

. This aspect cannot be entertained in this Second Appeal. It is always open to the appellant to adopt proceedings in accordance with law, including an application for regularising the water tank by the respondent or for enforcement of the alleged understanding.

3. On behalf of the respondent, it is submitted that the application for regularising the water tank and the other structures had been rejected on 26-4-2000 itself. That however, is another matter. The understanding pleaded in the present appeal

pertains to the recent period,
after said appeal was filed.

4. In the even the appellant making an application for regularizing the water tank within 2 weeks from today, the respondent shall not take any further steps in respect thereof till the consideration thereof and for a period of 4 weeks thereafter, if the order is adverse to the appellant.

4. With the aforesaid clarification, the Second Appeal is dismissed.